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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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FRISKIT, INC.,

No. C 03-5085 WWS (MEJ)

Plaintiffs,

**ORDER AFTER *IN CAMERA* REVIEW
RE: FRISKIT'S MOTION FOR PARTIAL
RECONSIDERATION**

v.
REALNETWORKS, INC., and LISTEN.COM,

Defendants,

Before the Court is Friskit's motion for partial reconsideration of the Court's December 2, 2005 Order. The relevant portion of the December 2 Order addressed certain documents extracted from Friskit's storage locker, and required Friskit to either produce the documents or claim them as privileged. In its motion for partial reconsideration, Friskit requests that the Court reconsider its Order, arguing that the non-privileged documents are irrelevant to this action and therefore need not be produced. In support of its motion, Friskit submitted the documents on a CD-ROM for *in camera* review.

After consideration of the parties' positions and review of the disputed documents, the Court finds that a portion of the documents are irrelevant to the instant action and need not be produced. Accordingly, the Court hereby GRANTS IN PART Friskit's motion as to these documents. However, the Court also DENIES IN PART Friskit's motion as there are a significant number of relevant documents. For the parties' convenience, the Court has prepared a CD-ROM containing only the documents it found to be relevant and non-privileged. As to the personal journal entries that Friskit submitted on its CD-ROM, the Court finds that they are largely irrelevant, but did

1 include some discussion of relevant matters. Thus, the Court has redacted the irrelevant and
2 personal portions of the journal entries. The redacted files are labeled as redacted and are included
3 on the CD-ROM.

4 The CD-ROM containing the relevant and redacted files may be picked up by the parties
5 from the undersigned's chambers, located on the 15th Floor, 450 Golden Gate Avenue, San
6 Francisco, California. The parties shall use the telephone adjacent to chambers' security entrance to
7 notify the Court of their arrival. Please contact the Courtroom Deputy Clerk, Brenda Tolbert, at
8 (415) 522-4708 with any questions.

9 **IT IS SO ORDERED.**

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11 Dated: February 3, 2006



MARIA-ELENA JAMES
United States Magistrate Judge